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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,761	03/11/2004	Andre Borne	Serie 6140	6416

7590

06/01/2005

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EXAMINER

SHAW, CLIFFORD C

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,761

Applicant(s)

BORNE ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1206_0311.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.) Claims 13-17 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Saenger, Jr. et al. (3,588,464). Figures 1 and 2 and the discussion in column 2 of Saenger, Jr. et al. (3,588,464) disclose a wire guide system and a TIG welding torch with the features claimed, including: a nozzle labeled as “N”; a wire guide system comprised of elements 30-48 and oriented at the angles claimed as discussed at column 2, lines 60-70.

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saenger, Jr. et al. (3,588,464). The patent to Saenger, Jr. et al. (3,588,464) discloses the subject matter claimed except for the limitations associated with the geometry and layout of the wire feed system. These differences do not patentably distinguish over the prior art. It would have been

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obvious to have configured the torch of Saenger, Jr. et al. (3,588,464) as claimed with the particular wire feed layout and dimensions, the motivation being to adapt the torch to a particular welding problem requiring particular wire sizes or torch clearances, thereby satisfying the claims.

5.) Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saenger, Jr. et al. (3,588,464) as applied to claims 13-17 and 22-27 above, and further in view of Arantes et al. (5,512,726, cited by applicant). The only aspect of the claim to which the rejection above does not apply is the provision for a robot. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the torch of Saenger, Jr. et al. (3,588,464) in any conventional welding environment. In particular, it would have been obvious to have used the torch of Saenger, Jr. et al. (3,588,464) in conjunction with a robot, the motivation being the teachings of Arantes et al. (5,512,726) that it is advantageous to guide a TIG plus filler torch with a robot (see the robot 1 in figure 1 of Arantes et al. (5,512,726) and see the TIG/filler torch associated with elements 42 and 43 in figure 2).

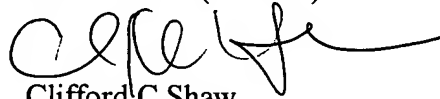
6.) The patents to Fogelstrom (3,617,688), Povlick et al. (4,532,406), Morgan et al. (4,879,446), and Morgan et al. (4,924,053) are cited to show prior art TIG welding torches that include wire feed arrangements positioned in the torch nozzle.

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Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
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May 31, 2005